

Fresh Products, Inc. v. Impact Products, LLC, Case No. 3:19-cv-02109-JZ
Exhibit B to Joint Claim Construction and Prehearing Statement

Amended Disputed Terms and Proposed Constructions/Evidence

U.S. Pat. No. 10,145,098 (the “098 Pat.”) and U.S. Pat. No. 10,501,924 (the “924 Pat.”)				
Disputed Claim Terms	Plaintiff’s Proposed Construction/ Importance to Outcome	Plaintiff’s Citation to Intrinsic and Extrinsic Evidence	Defendant’s Proposed Construction/ Importance to Outcome	Defendant’s Citation to Intrinsic and Extrinsic Evidence
<p>“urinal screen” (098 Pat., Claims 19, 27, 32)</p> <p>098 Pat., Cl. 19. A <u>urinal screen</u> comprising: a frame having: a first face; a second face opposite the first face; and a plurality of interconnected cells at least partially defined by a plurality of braces that intersect at comers, the plurality of interconnected cells comprising at least a plurality of perimeter cells and a plurality of interior cells; wherein the plurality of interior cells comprises a first cell, a second cell, and a third cell, said first cell and said second cell each partially defined by a first brace positioned between said first cell and said second cell, said second cell and said third cell each partially defined by a second brace positioned between said second cell and said third cell, and said first cell and said third cell each partially defined by a third brace positioned between said first cell and said third cell; wherein each of the first brace, the second brace, and the third brace comprises a first end and a second end, and wherein:</p>	<p>Plain and ordinary meaning.</p> <p>If further defined, a screen used in a urinal and through which urine passes.</p>	<p>’098 Patent claims 1, 11-12, 16, 19, 21-22, 35-36, 38-39, and 41-46.</p> <p>’924 Patent claims 1-3, 14- 17, 19-24, 26, 28-31, and 33.</p> <p>’098 Specification: 1:13-15; 1:19-22; 3:66-4:8; 4:16-34; 5:4-9; and 6:58-7:11.</p> <p>’098 Patent FH: September 27, 2017 OA Response; May 23, 2018 Summary of Interview; and October 2, 2018 Summary of Interview.</p>	<p>For ‘098 – claim 19 and dependents (other than claim 22): Preamble term. Not limiting.</p>	<p>098 Pat., 1:13-15, 1:19-22.</p> <p>U.S. Pat. 8,856,977 (IMPACT000229-249), at 1:24-28; U.S. Pat. 5,813,058 (IMPACT000379-386), at 1:20-43; U.S. Pat. 5,398,347 (IMPACT000368-376), at 1:28-29, 1:42-47; U.S. Pat. 3,248,740 (IMPACT000094-96), at 1:10-16; U.S. Pat. 3,170,169 (IMPACT000091-93), at 1:9-21; U.S. Pat. 1,186,345 (IMPACT000319-321), at 1:10-14.</p>

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<p>the first end of the first brace intersects at a corner with the two other braces; the first end of the second brace intersects at a corner with the two other braces; and the first end of the third brace intersects at a corner with the two other braces; a plurality of first posts each connected to a brace or corner of the frame and extending from away from the first face of the frame, and a plurality of second posts each connected to a brace or corner of the frame and extending away from the second face of the frame.</p> <p>098 Pat., Cl. 27. The <u>urinal screen</u> of claim 19, wherein at least some of the plurality of interconnected cells comprise a polygonal shape.</p> <p>098 Pat., Cl. 32. The <u>urinal screen</u> of claim 19, wherein each of the plurality of first posts is connected to a corner of the frame, and each of the plurality of second posts is connected to a corner of the frame.</p>				
<p>“face” (098 Pat., Claims 19, 38)</p> <p>098 Pat., Cl. 19. A urinal screen comprising: a frame having: a first <u>face</u>; a second <u>face</u> opposite the first <u>face</u>; and a plurality of interconnected cells at least partially defined by a plurality of braces that intersect at corners, the plurality of interconnected cells</p>	<p>Plain and ordinary meaning.</p> <p>If further defined, a main side of a thing.</p>	<p>’098 Patent claims 1, 11-13, 15, 17-19, 21, 23-24, 35-36, 38, 40-46, 48-50, and 55.</p> <p>’098 Specification: Abstract, 1:26-33; 1:65-2:33; 2:61-3:17; 3:21-3:40; 3:43-46; 4:50-63; 5:4-9; 5:47-6:25; and 6:33-7:11.</p>	<p>Planar surface of a solid.</p>	<p>098 Pat., 1:26-33, 2:19-22, 3:4-7, 3:21-26, 4:50-54.</p> <p>WEBSTER’S NEW COLLEGE DICTIONARY (3rd ed. 2008) (FRESHPR0000843); THE AMERICAN HERITAGE</p>

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<p>comprising at least a plurality of perimeter cells and a plurality of interior cells; wherein the plurality of interior cells comprises a first cell, a second cell, and a third cell, said first cell and said second cell each partially defined by a first brace positioned between said first cell and said second cell, said second cell and said third cell each partially defined by a second brace positioned between said second cell and said third cell, and said first cell and said third cell each partially defined by a third brace positioned between said first cell and said third cell; wherein each of the first brace, the second brace, and the third brace comprises a first end and a second end, and wherein: the first end of the first brace intersects at a corner with the two other braces; the first end of the second brace intersects at a corner with the two other braces; and the first end of the third brace intersects at a corner with the two other braces; a plurality of first posts each connected to a brace or corner of the frame and extending from away from the first <u>face</u> of the frame, and a plurality of second posts each connected to a brace or corner of the frame and extending away from the second <u>face</u> of the frame.</p> <p>098 Pat., Cl. 38. A urinal screen comprising: a frame having: a first <u>face</u>; a second <u>face</u> opposite the first <u>face</u>; and</p>		<p>Figures 1-5.</p> <p><i>Face</i>, <u>Webster's New College Dictionary</u> (3rd ed. 2008)</p> <ul style="list-style-type: none"> • “8. The most significant or prominent surface of an object, esp.: a. The surface presented to view : FRONT. b. a façade. c. The outer surface <on the <i>face</i> of the earth> d. A marked side <the <i>face</i> of a watch> e. The right side, as of fabric. F. an exposed, often precipitous surface of rock.” • “9. A planar surface bounding a solid.” 		<p>DICTIONARY OF THE ENGLISH LANGUAGE (5th ed. 2011) (FRESHPR000837).</p>
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<p>a plurality of openings extending through the frame between the first <u>face</u> and the second <u>face</u>;</p> <p>a plurality of first posts extending from the first <u>face</u> of the frame; and</p> <p>a plurality of second posts extending from the second <u>face</u> of the frame;</p> <p>wherein a plurality of ends of the plurality of first posts form a base upon which the urinal screen rests when the plurality of second posts point away from a surface upon which the urinal screen is set;</p> <p>wherein a plurality of ends of the plurality of second posts form a base upon which the urinal screen rests when the plurality of first posts point away from a surface upon which the urinal screen is set;</p> <p>wherein a number of said plurality of first posts and a number of said plurality of second posts are positioned along a perimeter of at least some of the plurality of openings, so as to surround the at least some of the plurality of openings; and</p> <p>wherein, when the urinal screen is set upon a surface in a urinal such that the first or second <u>face</u> of the frame is oriented toward the surface upon which the urinal screen is set, the frame is positioned away from the surface by at least ¼ of a thickness of the urinal screen as measured perpendicular to the first <u>face</u> of the frame, such that posts positioned between the frame and the surface upon which the urinal screen is set can reduce splashing on a user of the urinal by deflecting a flow of mine which passes through said plurality of openings.</p>		<p><u>Face</u>, <u>The American Heritage Dictionary of the English Language</u> (5th ed. 2011)</p> <ul style="list-style-type: none"> • “8. The most significant or prominent surface of an object, esp.: a. The surface presented to view : FRONT. b. a façade. c. The outer surface <on the <i>face</i> of the earth> d. A marked side <the <i>face</i> of a watch> e. The right side, as of fabric. F. an exposed, often precipitous surface of rock.” • “9. A planar surface of a geometric solid” 		
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		<p><i>Face, Collins Dictionary</i> (10th ed. 2009)</p> <ul style="list-style-type: none"> “8 the main side of an object, building, etc. or the front: <i>the face of a palace; a cliff face</i>” 		
<p>“cell” (098 Pat., Claims 19, 20, 27; 924 Pat., Claims 1, 21, 28 (and dependents))</p> <p>098 Pat., Cl. 19. A urinal screen comprising: a frame having: a first face; a second face opposite the first face; and a plurality of interconnected <u>cells</u> at least partially defined by a plurality of braces that intersect at comers, the plurality of interconnected <u>cells</u> comprising at least a plurality of perimeter <u>cells</u> and a plurality of interior <u>cells</u>; wherein the plurality of interior cells comprises a first <u>cell</u>, a second <u>cell</u>, and a third <u>cell</u>, said first <u>cell</u> and said second <u>cell</u> each partially defined by a first brace positioned between said first <u>cell</u> and said second <u>cell</u>, said second cell and said third <u>cell</u> each partially defined by a second brace positioned between said second <u>cell</u> and</p>	<p>Plain and ordinary meaning.</p> <p>If further defined, small enclosed openings or spaces.</p>	<p>’098 Patent claims 19-20, 25-28, and 34.</p> <p>’924 Patent claims 1, 5-7, 21 and 28.</p> <p>’098 Specification: Abstract; 3:27-42; and 4:63-5:32.</p> <p>Figures 1-4.</p> <p>’098 Patent FH: March 17, 2017 OA Response; September 27, 2017 OA Response.</p>	<p>Indefinite.</p>	<p>098 Pat., 3:27-30, 3:37-40, 4:35-41, 4:63-65, 5:12-27, 7:30-36; 098 Pat. File History (FRESHPR0000424, 438-439).</p> <p>ASTM DICTIONARY OF ENGINEERING SCIENCE & TECHNOLOGY (10th ed. 2005) (IMPACT000934-940), at 91; SPI PLASTICS ENGINEERING HANDBOOK OF THE SOCIETY OF THE PLASTICS INDUSTRY, INC.</p>

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<p>said third <u>cell</u>, and said first <u>cell</u> and said third <u>cell</u> each partially defined by a third brace positioned between said first <u>cell</u> and said third <u>cell</u>;</p> <p>wherein each of the first brace, the second brace, and the third brace comprises a first end and a second end, and wherein:</p> <p>the first end of the first brace intersects at a corner with the two other braces;</p> <p>the first end of the second brace intersects at a corner with the two other braces; and</p> <p>the first end of the third brace intersects at a corner with the two other braces;</p> <p>a plurality of first posts each connected to a brace or corner of the frame and extending from away from the first face of the frame, and</p> <p>a plurality of second posts each connected to a brace or corner of the frame and extending away from the second face of the frame.</p> <p>098 Pat. Cl. 20. The urinal screen of claim 19, wherein the plurality of interconnected <u>cells</u> form a tessellation.</p> <p>098 Pat., Cl. 27. The urinal screen of claim 19, wherein at least some of the plurality of interconnected <u>cells</u> comprise a polygonal shape</p> <p>924 Pat., Cl. 1. A reversible urinal screen comprising:</p> <p>a plurality of interconnected <u>cells</u> that form a tessellation of openings,</p>		<p><u>Cell</u>, Webster's New College Dictionary (3rd ed. 2008)</p> <ul style="list-style-type: none"> • “2. a small enclosed cavity or space, as in a honeycomb.” <p><u>Cell</u>, Chambers Dictionary of Science and Technology (2007)</p> <ul style="list-style-type: none"> • “(MathSci) Small-volume unit in a mathematical coordinate system.” <p><u>Cell</u>, Collins Dictionary (10th ed. 2009)</p> <ul style="list-style-type: none"> • “2 any small compartment: <i>the cells of a honeycomb</i>” <p>Rebuttal Report of Randy Hurd, PhD.</p>		<p>(Berins M.L. ed. 1991) (IMPACT000798-799), at 541-542;</p> <p>Polymer Technologies, <i>Open vs. Closed Cell Foam: Understanding Permeability</i>, The Official Blog of Polymer Technologies, Inc. (August 24, 2018), https://blog.polytechinc.com/open-vs-closed-cell-foam (IMPACT000800-807); U.S. Pat. Pub. 2014/0259344 (IMPACT000060-85), at FIG. 1; U.S. Pat. Pub. 2010/0183694 (IMPACT000032-35), at ¶011; Declaration of Fred Smith, PE, CSP.</p>
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<p>wherein a perimeter of each of a majority of openings of the tessellation of openings is at least partially defined by three or more braces of a plurality of braces, with a majority of the plurality of braces being shared by multiple openings; and</p> <p>a plurality of posts to deflect urine when the reversible urinal screen is placed upon a urinal surface, the plurality of posts connected to the plurality of braces and positioned such that:</p> <p>when the reversible urinal screen is placed upon the urinal surface in a first orientation, a first plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and a second plurality of tips of the plurality of posts are positioned above the plurality of braces, and</p> <p>when the reversible urinal screen is placed upon the urinal surface in a second orientation, the second plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and the first plurality of tips of the plurality of posts are positioned above the plurality of braces, and</p> <p>wherein at least some of the plurality of braces comprise contoured upper and lower surfaces to deflect urine when the reversible urinal screen is placed upon the urinal surface in either of the first or second orientations.</p> <p>924 Pat., Cl. 21. A reversible urinal screen comprising:</p>				
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<p>a plurality of interconnected <u>cells</u> that form a tessellation of openings, wherein a perimeter of each of a majority of openings of the tessellation of openings is at least partially defined by three or more braces of a plurality of braces, with a majority of the plurality of braces being shared by multiple openings; a solid portion positioned between at least some of the openings of the tessellation of openings, the solid portion occupying an area greater than or equal to ten of the openings of the tessellation of openings; and a plurality of posts to deflect urine when the reversible urinal screen is placed upon a urinal surface, the plurality of posts connected to the plurality of braces and positioned such that: when the reversible urinal screen is placed upon the urinal surface in a first orientation, a first plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and a second plurality of tips of the plurality of posts are positioned above the plurality of braces, such that at least a portion of the plurality of posts between the second plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of posts between the first plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings, and</p>				
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<p>when the reversible urinal screen is placed upon the urinal surface in a second orientation, the second plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and the first plurality of tips of the plurality of posts are positioned above the plurality of braces, such that at least a portion of the plurality of posts between the first plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of posts between the second plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings, wherein at least some of the plurality of braces comprise contoured upper and lower surfaces to deflect urine when the reversible urinal screen is placed upon the urinal surface in either of the first or second orientations,</p> <p>wherein, when the urinal screen is placed upon a horizontal surface, a thickness of the majority of the plurality of braces as measured perpendicular to the horizontal surface is less than or equal to $\frac{1}{2}$ of an overall thickness of the urinal screen as measured perpendicular to the horizontal surface,</p> <p>wherein a majority of the plurality of posts that are connected to the plurality of braces are connected at corners of the interconnected <u>cells</u>,</p> <p>wherein some openings of the tessellation of openings comprise a different perimeter shape than other openings of the tessellation of openings, and</p>				
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<p>wherein the plurality of braces, the plurality of posts, and the solid portion comprise a fragranced EVA material.</p> <p>924 Pat., Cl. 28. A reversible urinal screen comprising: a plurality of interconnected <u>cells</u> that form a tessellation of openings, wherein a perimeter of each of a majority of openings of the tessellation of openings is at least partially defined by three or more braces of a plurality of braces, with a majority of the plurality of braces being shared by multiple openings; a solid portion positioned between at least some of the openings of the tessellation of openings, the solid portion occupying an area greater than or equal to ten of the openings of the tessellation of openings; and a plurality of posts to deflect urine when the reversible urinal screen is placed upon a urinal surface, the plurality of posts connected to the plurality of braces and positioned such that: when the reversible urinal screen is placed upon the urinal surface in a first orientation, a first plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and a second plurality of tips of the plurality of posts are positioned above the plurality of braces, such that at least a portion of the plurality of posts between the second plurality of tips and the plurality of braces can reduce splashing of</p>				
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<p>urine impacting the urinal screen from above, and at least a portion of the plurality of posts between the first plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings, and</p> <p>when the reversible urinal screen is placed upon the urinal surface in a second orientation, the second plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and the first plurality of tips of the plurality of posts are positioned above the plurality of braces, such that at least a portion of the plurality of posts between the first plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of posts between the second plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings,</p> <p>wherein, when the urinal screen is placed upon a horizontal surface, a thickness of the majority of the plurality of braces as measured perpendicular to the horizontal surface is less than or equal to ½ of an overall thickness of the urinal screen as measured perpendicular to the horizontal surface,</p> <p>wherein the perimeter of each of the majority of openings of the tessellation of openings comprises a plurality of corners, with a post being connected at each of the corners, and</p> <p>wherein the plurality of braces, the plurality of posts, and the solid portion comprise a fragranced EVA material.</p>				
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<p>“tessellation” / “tessellation of openings” (098 Pat., Claim 20; 924 Pat., Claim 1)</p> <p>098 Pat. Cl. 20. The urinal screen of claim 19, wherein the plurality of interconnected cells form a <u>tessellation</u>.</p> <p>924 Pat., Cl. 1. A reversible urinal screen comprising: a plurality of interconnected cells that form a <u>tessellation of openings</u>, wherein a perimeter of each of a majority of openings of the <u>tessellation of openings</u> is at least partially defined by three or more braces of a plurality of braces, with a majority of the plurality of braces being shared by multiple openings; and a plurality of posts to deflect urine when the reversible urinal screen is placed upon a urinal surface, the plurality of posts connected to the plurality of braces and positioned such that: when the reversible urinal screen is placed upon the urinal surface in a first orientation, a first plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and a second plurality of tips of the plurality of posts are positioned above the plurality of braces, and when the reversible urinal screen is placed upon the urinal surface in a second orientation, the second plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and the first plurality of tips of the plurality of</p>	<p>An arrangement of openings closely fitted together.</p>	<p>’098 Patent claim 20.</p> <p>’924 Patent claims 1, 3, 8-13, 21, 24, 28, and 31.</p> <p>’098 Specification: 1:34-64; 3:41-42 and 4:63-5:3.</p> <p>Figures 1-4.</p> <p>’098 Patent FH: March 17, 2017 OA Response.</p> <p><i>Tessellation</i>, https://www.lexico.com/definition/tessellation (last visited May 27, 2020)</p> <ul style="list-style-type: none"> • “An arrangement of shapes closely fitted together, especially of polygons in a repeated pattern without gaps or overlapping” 	<p><i>Tessellation</i>: a pattern capable of covering of an infinite geometric plane without gaps or overlaps by one or a few repeating congruent plane figures. Otherwise, indefinite.</p> <p><i>Tessellation of openings</i>: a pattern of openings comprising one or a few repeating shapes capable of covering of an infinite geometric plane without gaps or overlaps. Otherwise, indefinite.</p>	<p>098 Pat., FIGS. 1-4, 1:39-40, 3:40-42, 4:35-41, 4:63-5:3.</p> <p>WOLFRAM MATHWORLD, https://mathworld.wolfram.com/Tessellation.html (visited April 26, 2020) (IMPACT000827-829); MERRIAM-WEBSTER.COM DICTIONARY (updated May 1, 2020), https://www.merriamwebster.com/dictionary/tessellation (IMPACT000943-949); MERRIAM WEBSTER’S COLLEGIATE DICTIONARY (10th ed. 1997) (FRESHPR0000851).</p>
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<p>posts are positioned above the plurality of braces, and wherein at least some of the plurality of braces comprise contoured upper and lower surfaces to deflect urine when the reversible urinal screen is placed upon the urinal surface in either of the first or second orientations.</p>		<p><u>Tessellation</u>, <u>Merriam Webster's Collegiate Dictionary</u> (10th ed. 1997)</p> <ul style="list-style-type: none"> • “1 : MOSAIC; <i>esp</i> : a covering of an infinite geometric plane without gaps or overlaps by a congruent plane figures of one type or a few types” <p><u>Tessellate</u>, <u>Webster's New World College Dictionary</u> (5th ed. 2014)</p> <ul style="list-style-type: none"> • “to lay out, inlay, or pave in a mosaic pattern or small, square blocks—adj. arranged in a mosaic pattern; tessellated” 		
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<p>“wherein at least some of the plurality of interconnected cells comprise a polygonal shape” (098 Pat., Claim 27)</p> <p>098 Pat., Cl. 27. The urinal screen of claim 19, <u>wherein at least some of the plurality of interconnected cells comprise a polygonal shape.</u></p>	<p>Plain and ordinary meaning.</p>	<p>’098 Patent claims 2, 25, 27-28, and 51-52.</p> <p>’924 Patent claim 8.</p> <p>’098 Specification: 1:34-64; 2:34-35; 3:26-40; 4:9-15; and 4:35-41.</p> <p>Figures 1-4.</p> <p>Rebuttal Report of Randy Hurd, PhD.</p>	<p>Indefinite.</p>	<p>098 Pat., FIGS. 1-4, 1:34-36, 2:34-35, 3:28-31, 4:9-14, 4:35-39, 8:33-35, 10:16-25.</p> <p>Declaration of Fred Smith, PE, CSP.</p>
<p>“post” (098 Pat., Claims 19, 38; 924 Pat., Claims 1, 21 and 28)</p> <p>098 Pat., Cl. 19. A urinal screen comprising: a frame having: a first face; a second face opposite the first face; and a plurality of interconnected cells at least partially defined by a plurality of braces that intersect at comers, the plurality of interconnected cells comprising at least a plurality of perimeter cells and a plurality of interior cells; wherein the plurality of interior cells comprises a first cell, a second cell, and a third cell, said first cell and said second cell each partially defined by a first brace positioned between said first cell and said second cell, said second cell and said third cell each partially defined by a second</p>	<p>Plain and ordinary meaning.</p> <p>If further defined, an elongate element that serves as a support.</p>	<p>’098 Patent claims 1, 4-10, 14, 17-19, 23-24, 29-33, 38, 40, 47, 51-53, and 55.</p> <p>’924 Patent claims 1, 5-7, 14-18, 21, 25, 28, and 32.</p> <p>’098 Specification: Abstract, 1:26-64; 2:19-33; 2:38-57; 3:4-20; 3:27-40; 3:60-61; 3:66-4:8; 4:16-34; 5:33-6:25; 6:31-45; and 6:58-7:19.</p> <p>Figures 1-6.</p>	<p>A protrusion. Otherwise, indefinite.</p>	<p>098 Pat., FIGS. 1-6 (22), 1:63-64, 2:23-27, 2:30-32, 4:5-8, 4:17-18, 4:22-34, 5:33-46, 5:47-57, 5:63-66, 5:66-6:5, 6:5-25; 924 Pat. File History, May 16, 2019 IDS, at FRESHPR0000151</p> <p>U.S. Pat. 10,267,027 (IMPACT000875-910) (FIGS. 3A-3G, 4A- 4C, 5A-5E, 6A-6A, 7A-7B, 8, 13A-13D and 14A-14D, and text at 6:24-41); U.S. Pat. 10,087,612 (IMPACT000830-874),</p>

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<p>brace positioned between said second cell and said third cell, and said first cell and said third cell each partially defined by a third brace positioned between said first cell and said third cell;</p> <p>wherein each of the first brace, the second brace, and the third brace comprises a first end and a second end, and wherein:</p> <p>the first end of the first brace intersects at a corner with the two other braces;</p> <p>the first end of the second brace intersects at a corner with the two other braces; and</p> <p>the first end of the third brace intersects at a corner with the two other braces;</p> <p>a plurality of first <u>posts</u> each connected to a brace or corner of the frame and extending from away from the first face of the frame, and</p> <p>a plurality of second <u>posts</u> each connected to a brace or corner of the frame and extending away from the second face of the frame.</p> <p>098 Pat., Cl. 38. A urinal screen comprising:</p> <p>a frame having:</p> <p>a first face:</p> <p>a second face opposite the first face; and</p> <p>a plurality of openings extending through the frame between the first face and the second face;</p> <p>a plurality of first <u>posts</u> extending from the first face of the frame; and</p> <p>a plurality of second <u>posts</u> extending from the second face of the frame;</p> <p>wherein a plurality of ends of the plurality of first <u>posts</u> form a base upon which the urinal screen</p>		<p><i>Post</i>, <u>Merriam Webster's Collegiate Dictionary</u> (10th ed. 1997)</p> <ul style="list-style-type: none"> • “1 : a piece (as of timber or metal) fixed firmly in an upright position esp. as a stay or support: PILLAR, COLUMN” <p><i>Post</i>, <u>The New Lexicon Webster's Encyclopedic Dictionary Of the English Language</u> (Deluxe ed. 1989)</p> <ul style="list-style-type: none"> • “1. <i>n.</i> a strong, usually square or cylindrical piece of wood, metal etc., fixed or meant to be fixed in an upright position, and 		<p>at FIG. 10A (1004), 9:11-16, 9:28-30.</p>
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<p>rests when the plurality of second <u>posts</u> point away from a surface upon which the urinal screen is set;</p> <p>wherein a plurality of ends of the plurality of second <u>posts</u> form a base upon which the urinal screen rests when the plurality of first <u>posts</u> point away from a surface upon which the urinal screen is set;</p> <p>wherein a number of said plurality of first <u>posts</u> and a number of said plurality of second <u>posts</u> are positioned along a perimeter of at least some of the plurality of openings, so as to surround the at least some of the plurality of openings; and</p> <p>wherein, when the urinal screen is set upon a surface in a urinal such that the first or second face of the frame is oriented toward the surface upon which the urinal screen is set, the frame is positioned away from the surface by at least ¼ of a thickness of the urinal screen as measured perpendicular to the first face of the frame, such that <u>posts</u> positioned between the frame and the surface upon which the urinal screen is set can reduce splashing on a user of the urinal by deflecting a flow of mine which passes through said plurality of openings.</p> <p>924 Pat., Cl. 21. A reversible urinal screen comprising: a plurality of interconnected cells that form a tessellation of openings, wherein a perimeter of each of a majority of openings of the tessellation of openings is at</p>		<p>serving as a support”</p> <p><u>Post, Webster’s New World College Dictionary</u> (5th ed. 2014)</p> <ul style="list-style-type: none"> • “a piece of wood, metal, etc., usually long and square or cylindrical, set upright to support a building, sign, fence, etc.” • “anything like this in shape or purpose” 		
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<p>least partially defined by three or more braces of a plurality of braces, with a majority of the plurality of braces being shared by multiple openings;</p> <p>a solid portion positioned between at least some of the openings of the tessellation of openings, the solid portion occupying an area greater than or equal to ten of the openings of the tessellation of openings; and</p> <p>a plurality of <u>posts</u> to deflect urine when the reversible urinal screen is placed upon a urinal surface, the plurality of <u>posts</u> connected to the plurality of braces and positioned such that:</p> <p>when the reversible urinal screen is placed upon the urinal surface in a first orientation, a first plurality of tips of the plurality of <u>posts</u> support the plurality of braces above the urinal surface, and a second plurality of tips of the plurality of <u>posts</u> are positioned above the plurality of braces, such that at least a portion of the plurality of <u>posts</u> between the second plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of <u>posts</u> between the first plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings, and</p> <p>when the reversible urinal screen is placed upon the urinal surface in a second orientation, the second plurality of tips of the plurality of <u>posts</u> support the plurality of braces above the urinal surface, and the first plurality of tips of the plurality of</p>				
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<p><u>posts</u> are positioned above the plurality of braces, such that at least a portion of the plurality of <u>posts</u> between the first plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of <u>posts</u> between the second plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings, wherein at least some of the plurality of braces comprise contoured upper and lower surfaces to deflect urine when the reversible urinal screen is placed upon the urinal surface in either of the first or second orientations,</p> <p>wherein, when the urinal screen is placed upon a horizontal surface, a thickness of the majority of the plurality of braces as measured perpendicular to the horizontal surface is less than or equal to $\frac{1}{2}$ of an overall thickness of the urinal screen as measured perpendicular to the horizontal surface,</p> <p>wherein a majority of the plurality of <u>posts</u> that are connected to the plurality of braces are connected at corners of the interconnected cells,</p> <p>wherein some openings of the tessellation of openings comprise a different perimeter shape than other openings of the tessellation of openings, and</p> <p>wherein the plurality of braces, the plurality of <u>posts</u>, and the solid portion comprise a fragranced EVA material.</p> <p>924 Pat., Cl. 28. A reversible urinal screen comprising:</p>				
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<p>a plurality of interconnected cells that form a tessellation of openings, wherein a perimeter of each of a majority of openings of the tessellation of openings is at least partially defined by three or more braces of a plurality of braces, with a majority of the plurality of braces being shared by multiple openings; a solid portion positioned between at least some of the openings of the tessellation of openings, the solid portion occupying an area greater than or equal to ten of the openings of the tessellation of openings; and a plurality of <u>posts</u> to deflect urine when the reversible urinal screen is placed upon a urinal surface, the plurality of <u>posts</u> connected to the plurality of braces and positioned such that: when the reversible urinal screen is placed upon the urinal surface in a first orientation, a first plurality of tips of the plurality of <u>posts</u> support the plurality of braces above the urinal surface, and a second plurality of tips of the plurality of <u>posts</u> are positioned above the plurality of braces, such that at least a portion of the plurality of <u>posts</u> between the second plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of <u>posts</u> between the first plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings, and</p>				
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<p>when the reversible urinal screen is placed upon the urinal surface in a second orientation, the second plurality of tips of the plurality of <u>posts</u> support the plurality of braces above the urinal surface, and the first plurality of tips of the plurality of <u>posts</u> are positioned above the plurality of braces, such that at least a portion of the plurality of <u>posts</u> between the first plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of <u>posts</u> between the second plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings, wherein, when the urinal screen is placed upon a horizontal surface, a thickness of the majority of the plurality of braces as measured perpendicular to the horizontal surface is less than or equal to ½ of an overall thickness of the urinal screen as measured perpendicular to the horizontal surface, wherein the perimeter of each of the majority of openings of the tessellation of openings comprises a plurality of corners, with a <u>post</u> being connected at each of the corners, and wherein the plurality of braces, the plurality of <u>posts</u>, and the solid portion comprise a fragranced EVA material.</p>				
<p>“along a perimeter of at least some of the plurality of openings, so as to surround the at least some of the plurality of openings” (098 Pat., Claim 38)</p> <p>38. A urinal screen comprising:</p>	<p>Plain and ordinary meaning.</p>	<p>’098 Patent claims 38 and 53.</p> <p>’098 Specification: 1:34-64; 2:38-60; and 5:33-46.</p>	<p>Indefinite.</p>	<p>098 Pat., FIGS. 1-4, 1:34-64, 2:14-18, 2:33-60, 4:50-65, 5:33-46, 7:12-19.</p>

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<p>a frame having: a first face: a second face opposite the first face; and a plurality of openings extending through the frame between the first face and the second face; a plurality of first posts extending from the first face of the frame; and a plurality of second posts extending from the second face of the frame; wherein a plurality of ends of the plurality of first posts form a base upon which the urinal screen rests when the plurality of second posts point away from a surface upon which the urinal screen is set; wherein a plurality of ends of the plurality of second posts form a base upon which the urinal screen rests when the plurality of first posts point away from a surface upon which the urinal screen is set; wherein a number of said plurality of first posts and a number of said plurality of second posts are positioned <u>along a perimeter of at least some of the plurality of openings, so as to surround the at least some of the plurality of openings</u>; and wherein, when the urinal screen is set upon a surface in a urinal such that the first or second face of the frame is oriented toward the surface upon which the urinal screen is set, the frame is positioned away from the surface by at least ¼ of a thickness of the urinal screen as measured perpendicular to the first face of the frame, such that posts positioned between the frame and the surface upon which the urinal screen is set can</p>		<p>Figures 1-5.</p> <p>'098 Patent FH: May 23, 2018 Summary of Interview.</p> <p>Rebuttal Report of Randy Hurd, PhD.</p>		<p>Declaration of Fred Smith, PE, CSP</p>
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reduce splashing on a user of the urinal by deflecting a flow of mine which passes through said plurality of openings.				
<p>“at least some of the plurality of braces comprise contoured upper and lower surfaces” (924 Pat., Claims 1, 21)</p> <p>924 Pat., Cl. 1. A reversible urinal screen comprising: a plurality of interconnected cells that form a tessellation of openings, wherein a perimeter of each of a majority of openings of the tessellation of openings is at least partially defined by three or more braces of a plurality of braces, with a majority of the plurality of braces being shared by multiple openings; and a plurality of posts to deflect urine when the reversible urinal screen is placed upon a urinal surface, the plurality of posts connected to the plurality of braces and positioned such that: when the reversible urinal screen is placed upon the urinal surface in a first orientation, a first plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and a second plurality of tips of the plurality of posts are positioned above the plurality of braces, and when the reversible urinal screen is placed upon the urinal surface in a second orientation, the second plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and the first plurality of tips of the plurality of</p>	<p>Plain and ordinary meaning.</p> <p>If further defined, at least some of the plurality of braces have non-planar upper and lower surfaces.</p>	<p>’098 Patent claim 54.</p> <p>’924 Patent claims 1, 4, 21, and 27.</p> <p>’098 Specification: 5:4-9 and 6:26-30.</p> <p>Figures 1-5.</p> <p><u>Contour</u>, <u>Merriam Webster’s Collegiate Dictionary</u> (10th ed. 1997)</p> <ul style="list-style-type: none"> • “1 : an outline esp. of a curving or irregular figure” <p><u>Contour</u>, <u>Webster’s New World College Dictionary</u> (5th ed. 2014)</p> <ul style="list-style-type: none"> • “1 the general shape or form of a figure, configuration, etc. [the 	<p>Indefinite.</p>	<p>924. Pat., FIGS. 1-4, 2:35-36, 3:65, 4:63-65, 5:4-9.</p> <p>Declaration of Fred Smith, PE, CSP</p>

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<p>posts are positioned above the plurality of braces, and wherein <u>at least some of the plurality of braces comprise contoured upper and lower surfaces</u> to deflect urine when the reversible urinal screen is placed upon the urinal surface in either of the first or second orientations.</p> <p>924 Pat., Cl. 21. A reversible urinal screen comprising: a plurality of interconnected cells that form a tessellation of openings, wherein a perimeter of each of a majority of openings of the tessellation of openings is at least partially defined by three or more braces of a plurality of braces, with a majority of the plurality of braces being shared by multiple openings; a solid portion positioned between at least some of the openings of the tessellation of openings, the solid portion occupying an area greater than or equal to ten of the openings of the tessellation of openings; and a plurality of posts to deflect urine when the reversible urinal screen is placed upon a urinal surface, the plurality of posts connected to the plurality of braces and positioned such that: when the reversible urinal screen is placed upon the urinal surface in a first orientation, a first plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and a second plurality of tips of the plurality of posts are positioned above the plurality of</p>		<p>rounded <i>contours of</i> the foothills]”</p> <p>Rebuttal Report of Randy Hurd, PhD.</p>		
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<p>braces, such that at least a portion of the plurality of posts between the second plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of posts between the first plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings, and</p> <p>when the reversible urinal screen is placed upon the urinal surface in a second orientation, the second plurality of tips of the plurality of posts support the plurality of braces above the urinal surface, and the first plurality of tips of the plurality of posts are positioned above the plurality of braces, such that at least a portion of the plurality of posts between the first plurality of tips and the plurality of braces can reduce splashing of urine impacting the urinal screen from above, and at least a portion of the plurality of posts between the second plurality of tips and the plurality of braces can reduce splashing of urine that has passed through the tessellation of openings,</p> <p>wherein <u>at least some of the plurality of braces comprise contoured upper and lower surfaces</u> to deflect urine when the reversible urinal screen is placed upon the urinal surface in either of the first or second orientations,</p> <p>wherein, when the urinal screen is placed upon a horizontal surface, a thickness of the majority of the plurality of braces as measured perpendicular to the horizontal surface is less than or equal to</p>				
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<p>½ of an overall thickness of the urinal screen as measured perpendicular to the horizontal surface, wherein a majority of the plurality of posts that are connected to the plurality of braces are connected at corners of the interconnected cells, wherein some openings of the tessellation of openings comprise a different perimeter shape than other openings of the tessellation of openings, and wherein the plurality of braces, the plurality of posts, and the solid portion comprise a fragranced EVA material.</p>				
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